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ERNEST D ROWLEY, WEBER COUNTY RECORDER
29-NOV-11 455 PM FEE \$0.00 DEP JKC
REC FOR: UDOT

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FILED
NOV 17 2011
SECOND
DISTRICT COURT

NOV 17 2011

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
WEBER COUNTY, STATE OF UTAH

UTAH DEPARTMENT OF
TRANSPORTATION,

Plaintiff,

vs.

DOROTHY D. BROWN, TRUSTEE OF
THE DOROTHY BROWN TRUST
UNDER AGREEMENT DATED
DECEMBER 20, 2002; and WEST HAVEN
SPECIAL SERVICE DISTRICT;

Defendants.

**FINAL JUDGMENT OF
CONDEMNATION**

Project No. STP-0079(2)0
Parcel Nos. 47:E, 47:S, 47:A
Affecting Tax ID No.: ~~08-007-003~~

Civil No. 090904655

Judge Scott M. Hadley

The Court, having heard this matter in trial on August 22, 24, 25 and 26, 2011 before the
Honorable Scott M. Hadley and being fully advised in the premises and for good cause
appearing,

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the parcels of land hereinafter described at Paragraph No. 4 ("Subject Property") are hereby condemned and acquired by UDOT for highway purposes.
2. That the purpose of said condemnation is a public use authorized by law.
3. The Court finds that Defendant Dorothy D. Brown, Trustee of the Dorothy Brown Trust, together with Steve Brown as an additional Trustee of the Dorothy Brown Trust, received the total sum of \$681,198.79 from UDOT based on a Judgment on Verdict entered October 3, 2011, said sum representing full and complete just compensation, including any and all damages and interest, as determined by a special jury verdict in the amount of \$652,161.00, plus statutory interest, together with a negotiated interest settlement in the amount of \$541.03, for a total additional sum of \$29,037.79, for Defendant's interests in the Subject Property described at Paragraph No. 4. Defendant, through counsel, acknowledges the receipt and sufficiency of a check in the amount of \$198,198.79, representing the unpaid amount owing on the judgment.
4. That a copy of this Final Judgment of Condemnation shall be filed with the County Recorder of Weber County, State of Utah, and thereupon the rights and interests of Dorothy D. Brown in and to the following described property, situated in Weber County, State of Utah, shall vest in the Plaintiff, Utah Department of Transportation, 4501 South 2700 West, Salt Lake City, Utah 84119 pursuant to Utah Code Ann. § 78B-6-516:

Parcel No. 0079:47:A

A parcel of land in fee for the extension and widening of the existing highway State Route 79 known as Project No. STP-0079(2)0, being part of an entire tract of property, situate in the NW1/4SE1/4 of Section 2, in T. 5 N., R. 2 W., S. L. B. & M, in Weber County Utah. The boundaries of said parcel of land are described as follows:

Beginning in the North-South Quarter Section line of said Section 2 at a point 85.00 feet perpendicularly distant northerly from the SR-79 centerline of said project at Engineer Station 113+04.28. Said point of beginning is 58.37 feet S. 0°27'13" W. along said Quarter Section line from the center of said Section 2; and running thence N. 82°36'11" E. 446.50 feet to the northerly boundary line of said entire tract; thence S. 89°53'11" E. 327.81 feet, more or less, along said northerly boundary line to the northwesterly railroad right of way line of Utah Transit Authority; thence S. 34°21'18" W. 265.17 feet along said northwesterly railroad right of way line to a point 120.00 feet perpendicularly distant southerly from said SR-79 project centerline at Engineer Station 119+12.42; thence N. 89°55'55" W. 563.84 feet; thence N. 47°49'51" W. 34.66 feet; thence S. 86°00'00" W. 32.62 feet to said Quarter Section line; thence N. 0°27'13" E. 140.42 feet along said Quarter Section line to the point of beginning. The above described parcel of land contains 138,838 square feet in area or 3.19 acres. *DB-007-0027 R. Pt. / KL*

To enable the Utah Department of Transportation to construct and maintain a public highway as an expressway, as contemplated by Title 72, Chapter 6, Section 117, Utah Code Annotated, 1998, as amended, the Owners of said entire tract of property hereby release and relinquish to said Utah Department of Transportation any and all rights appurtenant to the remaining property of said Owners by reason of the location thereof with reference to said highway, including, without limiting the foregoing, all rights of ingress to or egress from said Owner's remaining property contiguous to the lands hereby conveyed to or from said highway; EXCEPTING and reserving to said Owners, their successors or assigns, the right of access to the nearest roadway of said highway over and across the southerly highway right of way and limited-access line for a 32-foot section for agricultural use, which said section centers at a point directly opposite Highway Engineer Station 113+10.00, 55.00 feet right from the centerline of said project.

Parcel No. 0079: 47:E

A perpetual easement, upon part of an entire tract of property, situate in the NW1/4SE1/4

of Section 2, in T. 5 N., R. 2 W., S. L. B. & M, in Weber County Utah, for the purpose of constructing and maintaining thereon public utilities and appurtenant parts thereof including, but not limited to ATMS Fiber Optic conduit, electrical service transmission lines, culinary and closed irrigation water facilities; and highway appurtenances including, but not limited to, slopes, street lighting facilities and traffic information signs. The easement includes the right to maintain and continue the existence of said cut and/or fill slopes in the same grade and slope ratio as constructed by UDOT. The Easement shall run with the Real Property and shall be binding upon the Defendant and the Defendant's successors, heirs and assigns, and includes and conveys all rights of Defendant to change the vertical distance or grade of said cut and/or fill slopes. The boundaries of said part of an entire tract are described as follows:

Beginning at the intersection of the SR-79 southerly highway right of way and limited-access line of said project and the North-South Quarter Section line of said Section 2, being 55.00 feet perpendicularly distant southerly from the SR-79 centerline of said project at Engineer Station 112+93.38. Said point of beginning is 198.79 feet S. 0°27'13" W. along said Quarter Section line from the center of said Section 2; and running thence N. 86°00'00" E. 32.62 feet; thence S. 47°49'51" E. 13.86 feet; thence S. 86°00'00" W. 43.00 feet to said Quarter Section line; thence N. 0°27'13" E. 10.03 feet along said Quarter Section line to the point of beginning. The above described part of an entire tract contains 378 square feet in area or 0.01 acre.

08-007-0028 A. PT / KL

Parcel No. 0079:47:S

A tract of land in fee situate in the NW1/4SE1/4 of Section 2, in T. 5 N., R. 2 W., S. L. B. & M, in Weber County Utah. The boundaries of said tract of land are described as follows:

Beginning at center of said Section 2; and running thence S. 0°27'13" W. 58.37 feet along the North-South Quarter Section line to the northerly highway right of way and limited-access line of an expressway known as State Route 79; thence N. 82°36'11" E. 446.50 feet along said SR-79 northerly highway right of way and limited-access line to the northerly boundary line of said entire tract; thence N. 89°53'11" W. 442.33 feet along said northerly boundary line to the point of beginning. The above described tract of land contains 12,908 square feet in area or 0.30 acre.

08-007-0027 / E. PT KL

SO ORDERED this 14 day of Nov., 2011.

BY THE COURT:

Scott M. Hadley
Honorable Scott M. Hadley
District Court Judge



APPROVED AS TO FORM:

DATED this 17 day of Nov, 2011.

SNELL & WILMER

Robert E. Mansfield
Adam C. Buck
Attorneys for Dorothy Brown Trust

STATE OF UTAH } ss.
COUNTY OF WEBER }

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

DATED THIS 17th DAY OF Nov 2011

CLERK OF THE COURT

BY Laurie Shytle DEPUTY

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **FINAL JUDGMENT OF CONDEMNATION** was served by the method indicated below this 1st day of November, 2011, to:

Hand-delivered

Robert E. Mansfield
Adam C. Buck
Snell & Wilmer
15 West South Temple, Suite 1200
Salt Lake City, Utah 84101
Attorneys for Dorothy Brown Trust

Sent via U.S. Mail

Kenneth D. Bradshaw
Attorney at Law
3693 South 3650 West
West Haven, Utah 84401
Attorney for West Haven Special Service District

